United Nations E/2004/L.13

Economic and Social Council

Distr.: Limited
1 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 14 (i)
Social and human rights questions: genetic privacy and non-discrimination

Chile: draft resolution

Genetic privacy and non-discrimination

The Economic and Social Council,

Guided by the purposes and principles set forth in the Charter of the United Nations and also by the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization[3] and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Recalling also the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in Durban, South Africa, on 8 September 2001,[4]

Welcoming the International Declaration on Human Genetic Data adopted on 16 October 2003 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, which, inter alia, considers discrimination based on genetic characteristics as acts intended to infringe, or to have the effect of infringing human rights, fundamental freedoms or human dignity of an individual or for purposes that lead to stigmatization of an individual, a family or a group or communities,

[1] General Assembly resolution 217 A (III).
[2] General Assembly resolution 2200 A (XXI), annex.
[3] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. 1, *Resolutions*, resolution 16.
[4] See A/CONF.189/12 and Corr.1, chap. I.

04-41227 (E) 020704

Recalling its resolution 2001/39 of 26 July 2001,[5] as well as its decision 2003/232,[6]

Recalling also Commission on Human Rights resolution 2003/69 of 25 April 2003 on the question of human rights and bioethics,

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, which is carrying out work on confidentiality and genetic data,

Reiterating that the life and health of individuals are inevitably related to developments in life sciences and social areas,

Acknowledging the importance of advances in genetic research, which have led to the identification of strategies for early detection, prevention and treatment of diseases,

Bearing in mind that the genetic revolution has far-reaching implications and consequences for all humankind, and that its evaluation and applications should thus be conducted in an open, ethical and participatory manner,

Recognizing the contribution that having civil society involved in this matter can make to the protection of genetic privacy and to the fight against discrimination based on genetic characteristics,

Reaffirming that the information obtained from genetic tests, which is personal, should be held confidential, based on the conditions set by law,

Recognizing that genetic data associated with an identifiable person can in some instances be specific to other members of the individual's family or to other persons and that the rights and interests of such persons must also be taken into account in the handling of such data,

Stressing the fact that revealing genetic information belonging to individuals without their consent may cause harm and discrimination against them in such areas as employment, education, and social and medical insurance,

Recalling that, in order to protect human rights and fundamental freedoms, the limitations to the principles of consent and confidentiality may be prescribed only by law, for compelling reasons in accordance with public international law and the international law of human rights,

1. *Takes note* of the reports of the Secretary-General on information and of the comments received from Governments and relevant international organizations and functional commissions pursuant to Economic and Social Council resolution 2001/39;[7]

2. *Expresses its appreciation* to the Governments, relevant international organizations and functional commissions that have responded to the request for information formulated by the Council in its resolution 2001/39;

---

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 1* (E/2001/99).

[6] See *Official Records of the Economic and Social Council, 2003, Supplement No. 1* (E/2003/99).

[7] E/2001/91 and Add.1 and E/2004/56.

3. *Urges* States to ensure that no one shall be subjected to discrimination based on genetic characteristics;

4. *Also urges* States to protect the privacy of those subject to genetic testing and to ensure that genetic testing and the subsequent processing, use and storage of human genetic data is done with the prior, free, informed and express consent of the individual or authorization obtained in the manner prescribed by law and in accordance with public international law and the international law of human rights, and to ensure that limitations on the principle of consent be prescribed only for compelling reasons by domestic law consistent with the international law of human rights;

5. *Calls upon* States to take appropriate specific measures, including through legislation, to prevent the use of genetic information and testing leading to discrimination against or stigmatization or exclusion of individuals or members of their families or other persons with whom they may share certain genetic characteristics in all areas, particularly in social, medical or employment-related areas, whether in the public or the private sector, and in this respect calls upon States to take all appropriate measures to ensure that the results and interpretations of population-based genetic studies are not used for purposes that discriminate against the individual or group concerned;

6. *Also calls upon* States to promote, as appropriate, the development and implementation of standards providing greater protection with regard to the collection, storage, disclosure and use of genetic information taken from genetic tests that might lead to discrimination or invasion of privacy;

7. *Urges* States to continue to support research in the area of human genetics and biotechnology, subject to accepted scientific and ethical standards and to the potential benefit of all, especially the poor, emphasizing that such research and its applications should fully respect human dignity, freedom and human rights, as well as the prohibition of all forms of discrimination based on genetic characteristics;

8. *Recognizes*, in this context, that international efforts to ensure non-discrimination on genetic grounds need to be pursued and that, in the context of international cooperation, States should endeavour to enter into bilateral and multilateral agreements enabling developing countries to build their capacity to participate in generating and sharing scientific knowledge concerning human genetic data and the related know-how, with full respect for all human rights;

9. *Decides* to continue considering the various implications of the question of genetic privacy and non-discrimination for ethical, legal, medical, employment-related and other aspects of social life, in accordance with public international law and the international law of human rights, and requests the Secretary-General to bring the present resolution to the attention of all Governments, relevant international organizations and functional commissions in order to collect the information and comments received pursuant to it, and to submit a report thereon to the Council at its substantive session of 2007.

United Nations E/2004/L.13/Rev.1

Economic and Social Council

Distr.: Limited
19 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 14 (i)
Social and human rights questions: genetic privacy and non-discrimination

Chile: revised draft resolution

Genetic privacy and non-discrimination

The Economic and Social Council,

Guided by the purposes and principles set forth in the Charter of the United Nations and also by the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization[3] and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Recalling also the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in Durban, South Africa, on 8 September 2001,[4]

Welcoming the International Declaration on Human Genetic Data adopted on 16 October 2003 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, which, inter alia, considers discrimination based on genetic characteristics as acts intended to infringe, or to have the effect of infringing human rights, fundamental freedoms or human dignity of an individual or for purposes that lead to stigmatization of an individual, a family or a group or communities,

---

[1] General Assembly resolution 217 A (III).
[2] General Assembly resolution 2200 A (XXI), annex.
[3] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. 1, *Resolutions*, resolution 16.
[4] See A/CONF.189/12 and Corr.1, chap. I.

04-43070 (E) 190704

Recalling its resolution 2001/39 of 26 July 2001,[5] as well as its decision 2003/232,[6]

Recalling also Commission on Human Rights resolution 2003/69 of 25 April 2003 on the question of human rights and bioethics,[7]

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, which is carrying out work on confidentiality and genetic data,

Reiterating that the life and health of individuals are inevitably related to developments in life sciences and social areas,

Acknowledging the importance of advances in genetic research, which have led to the identification of strategies for early detection, prevention and treatment of diseases,

Bearing in mind that the genetic revolution has far-reaching implications and consequences for all humankind, and that its evaluation and applications should thus be conducted in an open, ethical and participatory manner,

Recognizing the contribution that civil society involved in this matter can make to the protection of genetic privacy and to the fight against discrimination based on genetic information,

Reaffirming that the information obtained from genetic tests, which is personal, should be held confidential, based on the conditions set by law,

Recognizing that genetic data associated with an identifiable person can in some instances be relevant to other members of the individual's family or to other persons and that the rights and interests of such persons must also be taken into account in the handling of such data,

Stressing the fact that revealing genetic information belonging to individuals without their consent may cause harm and discrimination against them in such areas as employment, insurance, education and other areas of social life,

Recalling that, in order to protect human rights and fundamental freedoms, the limitations to the principles of consent and confidentiality may be prescribed only by law, for compelling reasons consistent with international law, including international human rights law,

1. *Takes note* of the reports of the Secretary-General on information and of the comments received from Governments and relevant international organizations and functional commissions pursuant to Economic and Social Council resolution 2001/39;[8]

2. *Expresses its appreciation* to the Governments, relevant international organizations and functional commissions that have responded to the request for information formulated by the Council in its resolution 2001/39;

---

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 1* (E/2001/99).

[6] See *Official Records of the Economic and Social Council, 2003, Supplement No. 1* (E/2003/99).

[7] *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[8] E/2001/91 and Add.1 and E/2004/56.

3. *Urges* States to ensure that no one shall be subjected to discrimination based on genetic information;

4. *Also urges* States to protect the privacy of those subject to genetic testing and to ensure that genetic testing and the subsequent processing, use and storage of human genetic data is done with the prior, free, informed and express consent of the individual or authorization obtained in the manner prescribed by law consistent with international law, including international human rights law, and to ensure that limitations on the principle of consent be prescribed only for compelling reasons such as forensic medicine and related legal proceedings, by domestic law consistent with international law, including international human rights law;

5. *Calls upon* States to take appropriate specific measures, including through legislation, to prevent the misuse of genetic information leading to discrimination against, or stigmatization of, individuals, members of their families or groups in all areas, particularly in insurance, employment, education and other areas of social life, whether in the public or the private sector, and in this respect calls upon States to take all appropriate measures to ensure that the results and interpretations of population-based genetic studies are not used for purposes that discriminate against the individual or group concerned;

6. *Also calls upon* States to promote, as appropriate, the development and implementation of standards providing appropriate protection with regard to the collection, storage, disclosure and use of genetic information taken from genetic tests that might lead to discrimination, stigmatization or invasion of privacy;

7. *Urges* States to continue to support research in the area of human genetics, subject to accepted scientific and ethical standards and to the potential benefit of all people, emphasizing that such research and its applications should fully respect human rights, fundamental freedoms and human dignity, as well as the prohibition of all forms of discrimination based on genetic characteristics;

8. *Recognizes*, in this context, that international efforts to ensure non-discrimination on genetic grounds need to be pursued and that, in the context of international cooperation, States should endeavour to assist developing countries to build their capacity to participate in generating and sharing scientific knowledge concerning human genetic data and the related know-how, with full respect for all human rights;

9. *Decides* to continue considering the various implications of the question of genetic privacy and non-discrimination for ethical, legal, medical, employment, insurance-related and other aspects of social life, consistent with public international law and the international human rights law;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, relevant international organizations and functional commissions, to collect comments received pursuant to it, and other relevant information, and to submit a report to the Council at its substantive session of 2007.

United Nations E/2004/L.14

Economic and Social Council

Distr.: Limited
1 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 4 (a)
Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the following themes: review and appraisal of the system-wide implementation of the Council's agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes in the United Nations system

Draft resolution submitted by the Vice-President of the Council, Yashar Aliyev (Azerbaijan), on the basis of informal consultations

Review of Economic and Social Council agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system

The Economic and Social Council,

Recalling its agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes in the United Nations system,[1] and its decision 2003/287 to undertake, during its coordination segment in 2004, a review and appraisal of the system-wide implementation of the agreed conclusions,

Recalling also its resolution 2001/41, in which the Council decided to establish a regular sub-item entitled "Mainstreaming a gender perspective into all policies and programmes of the United Nations system", as well as its resolutions 2002/23 and 2003/49,

Reaffirming that gender mainstreaming constitutes a major strategy for the full implementation of the Beijing Platform for Action[2] and the outcome of the twenty-third special session of the General Assembly,[3] as a complement to strategies for women's empowerment,

---

[1] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 3* (A/52/3/Rev.1), chap. IV, para. 4.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] General Assembly resolutions S-23/2 and S-23/3.

04-41203 (E) 020704

Underlining the catalytic role played by the Commission on the Status of Women, as well as the important role played by the Economic and Social Council and the General Assembly in promoting and monitoring gender mainstreaming within the United Nations system,

1. *Reaffirms* its agreed conclusions 1997/2[1] as a valid framework for promoting and monitoring the implementation of gender mainstreaming within the United Nations system;

2. *Welcomes* the report of the Secretary-General on the review and appraisal of the system-wide implementation of the Economic and Social Council's agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes of the United Nations system;[4]

3. *Notes with appreciation* the progress made by the United Nations in mainstreaming gender perspectives into policies and programmes since 1997, including the ongoing activities of and efforts made by the entities of the United Nations system, both individually and through inter-agency cooperation;

4. *Recognizes* that mainstreaming a gender perspective in all aspects of the work of the United Nations is an ongoing process and that further concrete steps are required, as a matter of urgency, to ensure full implementation of the agreed conclusions 1997/2;

5. *Recommends* that the General Assembly encourage its committees and other intergovernmental bodies to take further measures to integrate systematically gender perspectives into all areas of their work, including the integrated and coordinated implementation of and follow-up to the outcomes of major United Nations summits and conferences, and in particular the 2005 high-level event planned in pursuance of General Assembly resolution 58/291 of 6 May 2004;

6. *Reaffirms* its commitment to ensuring systematic attention to gender perspectives in all aspects of its work;

7. *Encourages* the governing bodies of United Nations agencies, funds and programmes to ensure that gender perspectives are integrated into all aspects of their monitoring functions in relation to policies and strategies, medium-term plans, multi-year funding frameworks, and operational activities, including those relating to the implementation of the Millennium Declaration and the outcomes of major United Nations conferences and summits in the economic and social fields;

8. *Calls upon* its functional commissions to take further measures to incorporate recommendations on their areas of work provided by the Commission on the Status of Women and fully to integrate gender perspectives into their work, including through their annual or multi-year work programmes, and in the integrated and coordinated follow-up to major United Nations conferences and summits, and, to that end, requests its Bureau to further strengthen the regular dialogue with the bureaux of the functional commissions on the issue of gender mainstreaming;

9. *Requests* all entities of the United Nations system to enhance the effectiveness of gender specialist resources, gender focal points and gender theme groups, by establishing clear mandates; by ensuring adequate training, access to

[4] E/2004/59.

information and to adequate and stable resources; and by increasing the support and participation of senior staff;

10. *Encourages* the Commission on the Status of Women to continue its catalytic role in relation to United Nations entities and intergovernmental bodies and to provide further practical guidance on gender mainstreaming;

11. *Requests* all entities of the United Nations system, including funds and programmes, fully to incorporate gender perspectives into their programmes and operational activities and to ensure, within their mandates, systematic integration of reporting on their efforts in mainstreaming gender into existing evaluation and monitoring processes within the United Nations system, including those relating to the development goals contained in the Millennium Declaration;

12. *Recommends* that all entities of the United Nations system continue to promote cooperation, coordination, sharing of methodologies and good practices, including through the development of tools and effective processes for monitoring and evaluation within the United Nations, in the implementation of agreed conclusions 1997/2, in particular through the Inter-agency Network on Women and Gender Equality, and recommends further that all inter-agency mechanisms pay attention to gender perspectives in their work;

13. *Takes note* of work already undertaken to implement General Assembly resolution 58/144, of 22 December 2003 and urges continued efforts towards its full implementation;

14. *Also takes note* of work already undertaken to implement Security Council resolution 1325 (2000) on women, peace and security, and urges continued efforts towards its full implementation;

15. *Requests* the Secretary-General to ensure that all United Nations entities develop action plans with time lines for implementing the agreed conclusions 1997/2, which address the gap between policy and practice identified in the Secretary-General's report, with a view to strengthening commitment and accountability at the highest levels within the United Nations system as well as to establishing mechanisms to ensure accountability, systematic monitoring and reporting on progress in implementation;

16. *Also requests* the Secretary-General to continue to review the implementation of the agreed conclusions 1997/2 within the framework of his annual reports to the Commission on the Status of Women, the Economic and Social Council and the General Assembly on the follow-up to and progress made in the implementation by United Nations entities and intergovernmental bodies of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, with a particular focus on bridging the gap between policies and practice on the basis of gender mainstreaming action plans;

17. *Decides* to undertake a further review and appraisal of the implementation of its agreed conclusions 1997/2 at a future session before 2010.

United Nations E/2004/L.15

Economic and Social Council

Distr.: Limited
8 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 3 (a)
Operational activities of the United Nations for international development cooperation: follow-up to policy recommendations of the General Assembly and the Council

Draft resolution submitted by the Vice-President of the Council, Stafford O. Neil (Jamaica), on the basis of informal consultations

Triennial comprehensive policy review of operational activities for development of the United Nations system

The Economic and Social Council,

Recalling the United Nations Millennium Declaration,[1] which set out priorities and goals to be reached by the international community by 2015,

Recalling also General Assembly resolutions 47/199 of 22 December 1992, 50/120 of 20 December 1995, 53/192 of 15 December 1998 and 56/201 of 21 December 2001 on the triennial policy review of operational activities for development of the United Nations system,

Recalling further General Assembly resolution 58/291 of 6 May 2004, entitled "Follow-up to the outcome of the Millennium Summit and integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields",

Recalling Economic and Social Council resolutions 2002/29 of 25 July 2002 and 2003/3 of 11 July 2003,

Having considered the reports of the Secretary-General on the triennial comprehensive policy review of operational activities for development of the United Nations system[2] and the report on the assessment of the value added of the joint meetings of the Executive Boards of the United Nations Development

[1] General Assembly resolution 55/2.
[2] A/59/85-E/2004/68.

04-41855 (E) 090704

Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme,[3]

Noting the importance of ensuring that the 2004 triennial comprehensive policy review of operational activities for development of the United Nations system contributes to the review of progress made in the achievement of the internationally agreed development goals, including those contained in the Millennium Declaration and the outcomes of other United Nations summits and conferences,

1. *Requests* the Secretary-General, when finalizing his report on the triennial comprehensive policy review for submission to the General Assembly at its fifty-ninth session, to take into account the views and comments of Member States on the issues relating to the operational activities for development discussed during the operational activities segment of the substantive session of 2004 of the Economic and Social Council and to make appropriate recommendations;

2. *Invites* the Secretary-General, in accordance with the coordination guidance and oversight roles of the Council in the implementation by the United Nations system of the triennial policy review of operational activities, to make recommendations, when finalizing his report on the triennial comprehensive policy review, on the possible themes that could be discussed at the operational activities segment of the substantive sessions of the Council in 2005 and 2006, taking into account the necessary preparatory work for the following triennial policy review;

3. *Invites* the General Assembly to consider a concise and action-oriented resolution on the triennial comprehensive policy review, focusing on priority areas as determined by Member States.

[3] E/2004/60.

United Nations E/2004/L.16

Economic and Social Council

Distr.: Limited
7 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 4 (b)
Coordinated and integrated United Nations system approach to promoting rural development in developing countries, with due consideration to least developed countries, for poverty eradication and sustainable development

Qatar:* draft resolution

United Nations Public-Private Alliance for Rural Development

The Economic and Social Council,

Recalling its 2003 Ministerial Declaration,[1] which underlines the importance of alliances and partnerships among actors in different sectors for the promotion of integrated rural development,

Bearing in mind General Assembly resolution 58/129 of 19 December 2003, entitled "Towards global partnerships", by which the Assembly, inter alia, identifies the principles, objectives and modalities of such partnerships and welcomes the establishment of a multitude of partnerships at the field level, such as the United Nations Public-Private Alliance for Rural Development (United Nations Alliance),

1. *Welcomes* the initiative of the Government of Madagascar to serve as pilot country for the United Nations Alliance;

2. *Invites* the donor community, the United Nations funds, programmes and agencies, civil society, the private sector and other relevant stakeholders to support, in accordance with the rules of procedure of the General Assembly and of the Economic and Social Council, as well as the relevant resolutions and decisions of the Assembly and the Council, the programmes and activities of the United Nations Alliance, and also invites the Bretton Woods institutions to cooperate to that end;

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 3* (A/58/3), part one, chap. III, para. 35.

04-41736 (E) 090704

3. *Emphasizes* that the United Nations Alliance should work in conformity with the guidelines and criteria for partnerships, as elaborated by the General Assembly in its resolution 58/129;

4. *Requests* the Secretary-General to report to the Economic and Social Council at its substantive session of 2005 on the work of the United Nations Alliance.

United Nations E/2004/L.17

Economic and Social Council

Distr.: Limited
14 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 14 (g)
Social and human rights questions: human rights

Cuba: draft resolution

Question of the protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism

The Economic and Social Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Guided by the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and other basic instruments regarding the international protection of human rights as well as universal humanitarian norms, as set forth in the Geneva Conventions of 12 August 1949,[4]

Recalling Commission on Human Rights resolutions 2004/44 of 19 April 2004 and 2004/87 of 21 April 2004,

Reaffirming that every human being has the inherent right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or

[1] General Assembly resolution 217 A (III).
[2] See General Assembly resolution 2200 A (XXI), annex.
[3] General Assembly resolution 39/46.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

04-42569 (E) 150704

punishment, and deeply concerned on alleged and documented cases of violations of human rights and of international humanitarian law in the context of international military operations launched to combat terrorism,

Deeply concerned that the above-mentioned alleged and documented violations of human rights and international humanitarian law in the context of international military operations launched to combat terrorism includes: extrajudicial executions; enforced disappearances; arbitrary detentions, including massive arrests; torture and other cruel, inhuman or degrading treatment or punishment such as beatings, electric shocks, sleep deprivation, prolonged forced standing and kneeling, humiliation, psychological abuse, hooding, use of dogs to frighten and intimidate detainees with threats of attack, keeping detainees naked for several days at a time, threatening and sodomizing detainees and prolonged solitary confinement in cells devoid of daylight; sexual abuse; coercive interrogation practices; taking pictures of dead detainees; excessive use of force against persons deprived of their liberty; and holding them in dangerous places where they are not protected from shelling,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Deeply concerned that according to reliable information an undisclosed number of persons detained in the context of international military operations launched to combat terrorism are held at present in detention camps, in a situation of deprivation of some of their fundamental human rights,

Concerned at the consequences to the protection of human rights of the growing involvement and participation of military private corporations and individuals under private contracts in tasks of protection and security in the context of international military operations launched to combat terrorism,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Taking note of recent positive measures adopted by States to promote respect and to ensure compliance with their obligations under international instruments of human rights and international humanitarian law in the context of international military operations launched to combat terrorism;

Noting the work already done by the Commission on Human Rights and several of its special procedures, the General Assembly, the Secretary-General and different components of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the international humanitarian organizations, several intergovernmental and non-governmental organizations, some regional organizations, the specialized agencies and the human rights treaty bodies in promoting protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism,

Noting in particular general comment 31 of the Human Rights Committee, adopted on 29 March 2004, and the joint statement on the protection of human rights and fundamental freedoms in the context of anti-terrorism measures of the participants at the eleventh annual meeting of the special rapporteurs, representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme,

1. *Reaffirms* that States should respect and ensure compliance with their obligations under international instruments of human rights and international humanitarian law in the context of international military operations launched to combat terrorism;

2. *Demands* that States and other actors in international military operations launched to combat terrorism prevent the occurrence of extrajudicial executions, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment and other grave violations of international human rights and humanitarian law and take effective action to combat and eliminate any violation of this kind in all forms and manifestations;

3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of violations of international human rights and humanitarian law in the context of international military operations launched to combat terrorism, to identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures in order to bring an end to impunity and to prevent the recurrence of such violations;

4. *Urges* States and other actors in international military operations launched to combat terrorism to undertake all necessary and possible measures, in conformity with human rights law and international humanitarian law, to prevent the loss of life of civilian persons, in particular the lives of women and children;

5. *Appeals* to States and other actors in international military operations launched to combat terrorism to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person, in accordance with the relevant international instruments of human rights and humanitarian law;

6. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment and any action or attempt by States or public officials to legalize or authorize them under any circumstances, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Requests* all States and other actors engaged in international military operations launched to combat terrorism to pay special attention to the procedures and practices used by their respective agents to obtain information from detainees or from civilians, particularly during the interrogation of detainees, so that they can ensure that these procedures are in compliance with the international instruments of human rights and of international humanitarian law;

8. *Encourages* all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations, and the special representatives, special rapporteurs and working groups of the Commission on Human Rights to pay particular attention to, exchange information on, and provide the United Nations High Commissioner for Human Rights with, all relevant information in their possession on violations of human rights in the context of international military operations launched to combat terrorism;

9. *Requests* the United Nations High Commissioner for Human Rights to prepare and submit to the fifty-ninth session of the General Assembly, a comprehensive report on the basis of information and comments received from Governments, intergovernmental and non-governmental organizations, the specialized agencies, special procedures of the Commission on Human Rights and human rights treaty bodies, which would serve as a vital complement to the report already requested by the General Assembly in its resolution 58/187 of 22 December 2003;

10. *Requests* the Commission on Human Rights to examine this issue as a matter of priority at its sixty-first session.

United Nations E/2004/L.17/Rev.1

Economic and Social Council

Distr.: Limited
19 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 14 (g)
Social and human rights questions: human rights

Cuba: revised draft resolution

Question of the protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism

The Economic and Social Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Guided by the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and other basic instruments regarding the international protection of human rights as well as universal humanitarian norms set forth in the Geneva Conventions of 12 August 1949,[4]

Recalling Commission on Human Rights resolutions 2004/44 of 19 April 2004 and 2004/87 of 21 April 2004,

[1] General Assembly resolution 217 A (III).
[2] See General Assembly resolution 2200 A (XXI), annex.
[3] General Assembly resolution 39/46.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

04-43125 (E) 190704

Reaffirming that every human being has the inherent right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Deeply concerned about alleged and documented cases of violations of human rights and of international humanitarian law in the context of international military operations launched to combat terrorism,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Deeply concerned that according to reliable information an undisclosed number of persons detained in the context of international military operations launched to combat terrorism are held at present in detention camps, in a situation of deprivation of some of their fundamental human rights,

Concerned at the consequences to the protection of human rights of the growing involvement and participation of military private corporations and individuals under private contracts in tasks of protection and security in the context of international military operations launched to combat terrorism,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Recognizing the duty of States to combat terrorism in accordance with their obligations under international law and the Charter of the United Nations,

Taking note of recent positive measures adopted by States to promote respect and to ensure compliance with their obligations under international instruments of human rights and international humanitarian law in the context of international military operations launched to combat terrorism,

Noting the work already done by the Commission on Human Rights and several of its special procedures, the General Assembly, the Secretary-General and different components of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the international humanitarian organizations, several intergovernmental and non-governmental organizations, some regional organizations, the specialized agencies and the human rights treaty bodies in promoting protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism,

Noting in particular general comment 31 of the Human Rights Committee, adopted on 29 March 2004, and the joint statement on the protection of human rights and fundamental freedoms in the context of anti-terrorism measures of the participants at the eleventh annual meeting of the special rapporteurs, representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme,

1. *Reaffirms* that States should respect and ensure compliance with their obligations under international instruments of human rights and international humanitarian law in the context of international military operations launched to combat terrorism;

2. *Demands* that States and other actors in international military operations launched to combat terrorism prevent the occurrence of extrajudicial executions, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment and other grave violations of international human rights and humanitarian law and take effective action to combat and eliminate any violation of this kind in all forms and manifestations;

3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of violations of international human rights and humanitarian law in the context of international military operations launched to combat terrorism, to identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures in order to bring an end to impunity and to prevent the recurrence of such violations;

4. *Urges* States and other actors in international military operations launched to combat terrorism to undertake all necessary and possible measures, in conformity with human rights law and international humanitarian law, to prevent the loss of life of civilian persons, in particular the lives of women and children;

5. *Appeals* to States and other actors in international military operations launched to combat terrorism to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person, in accordance with the relevant international instruments of human rights and humanitarian law;

6. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment and any action or attempt by States or public officials to legalize or authorize them under any circumstances, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Requests* all States and other actors engaged in international military operations launched to combat terrorism to pay special attention to the procedures and practices used by their respective agents to obtain information from detainees or from civilians, particularly during the interrogation of detainees, so that they can ensure that these procedures are in compliance with the international instruments of human rights and of international humanitarian law;

8. *Encourages* all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations, and the special representatives, special rapporteurs and working groups of the Commission on Human Rights to pay particular attention to, exchange information on, and provide the United Nations High Commissioner for Human Rights with, all relevant information in their possession on violations of human rights in the context of international military operations launched to combat terrorism;

9. *Requests* the United Nations High Commissioner for Human Rights to prepare and submit to the fifty-ninth session of the General Assembly, a comprehensive report on the basis of information and comments received from Governments, intergovernmental and non-governmental organizations, the specialized agencies, special procedures of the Commission on Human Rights and human rights treaty bodies, which would serve as a vital complement to the report already requested by the General Assembly in its resolution 58/187 of 22 December 2003;

10. *Requests* the Commission on Human Rights to examine this issue as a matter of priority at its sixty-first session.

United Nations E/2004/L.18

Economic and Social Council

Distr.: Limited
12 July 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 4 (b)
Coordinated and integrated United Nations system approach to promoting rural development in developing countries, with due consideration to least developed countries, for poverty eradication and sustainable development

Draft resolution submitted by the Vice-President of the Council, Mr. Yashar Aliyev (Azerbaijan), on the basis of informal consultations

Coordinated and integrated United Nations system approach to promoting rural development in developing countries, with due consideration to least developed countries, for poverty eradication and sustainable development

The Economic and Social Council,

Recalling its decision 2003/287 of 24 July 2003, in which it decided to consider, during its coordination segment in 2004, the theme "Coordinated and integrated United Nations system approach to promoting rural development in developing countries, with due consideration to least developed countries, for poverty eradication and sustainable development",

Reaffirming the Ministerial Declaration of the high-level segment of the Economic and Social Council adopted in July 2003,[1]

Recalling the internationally agreed development goals, including those contained in the Millennium Declaration,[2] and the outcomes of the major United Nations conferences, summits and relevant special sessions of the General Assembly,

Recalling also the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[3]

---

[1] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 3* (A/58/3), part one, chap. III, para. 35.

[2] General Assembly resolution 55/2.

[3] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

04-42254 (E) 130704

Reaffirming the Brussels Programme of Action for the Least Developed Countries for the Decade 2001-2010,[4]

Reiterating that the eradication of rural poverty and hunger is crucial for the achievement of internationally agreed development goals, including those contained in the Millennium Declaration, and that rural development should be pursued through an integrated approach, which encompasses the economic, social and environmental dimensions, takes into account the gender perspective and consists of mutually reinforcing policies and programmes, and which should be balanced, targeted, situation specific, locally owned, include local synergies and initiatives and be responsive to the needs of rural populations,

Recognizing that rural development is the responsibility of each country and is predicated on an enabling national environment, and reaffirming that an enabling international economic environment is important for the support of effective national development efforts, including rural development efforts, that it should combine effective and coherent policies, good governance and accountable institutions at the national and international levels as well as the promotion of gender equality and the promotion and protection of human rights and fundamental freedoms, including the right to development, and that robust, broad-based and equitable economic growth as well as human resources development are needed to fight rural poverty,

1. *Takes note* of the report of the Secretary-General on a coordinated and integrated United Nations system approach to promote rural development in developing countries, with due consideration to least developed countries, for poverty eradication and sustainable development;[5]

2. *Notes* the efforts made by United Nations organizations to assist developing countries, upon their request, in integrating rural development into their national development strategies, urges them to promote further the integration of this approach into their operational and other activities, to enhance further the efficiency of resources utilization and to continue to work, within their mandates, to this end and, in this regard, emphasizes the need for relevant United Nations agencies to be provided with appropriate resources to promote integrated rural development;

3. *Calls* for enhanced coordination and cooperation among the agencies of the United Nations system, including among the Rome-based agencies, especially at the country level, on the basis of the common country assessment and the United Nations Development Assistance Framework, in support of national development strategies as well as in enhancing their cooperation with the World Bank and the regional development banks;

4. *Acknowledges* the recent increase in official development assistance allocations to rural development and agriculture, urges developed countries that have not done so to make concrete efforts towards the target of providing 0.7 per cent of their gross national product as official development assistance to

[4] A/CONF.191/11.
[5] E/2004/58.

developing countries and 0.15 to 0.20 per cent of their gross national product to the least developed countries, as reconfirmed at the Third United Nations Conference on the Least Developed Countries,[4] encourages developing countries to build on progress achieved in ensuring that official development assistance is used effectively to help achieve development goals and targets, acknowledges the efforts of all donors, commends those donors whose official development assistance contributions exceed, reach or are increasing towards the targets, and underlines the importance of undertaking an examination of the means and time frames for achieving the targets and goals;

5. *Invites* the international and regional financial institutions to continue to enhance their support for national efforts for poverty eradication and rural development in developing countries, including the mobilization of public and private investment as well as improved access to credit for the development of rural infrastructure in order to enhance productivity and increase access to markets and information, calls for actions to facilitate the establishment and strengthening of rural financial institutions, including microcredit/microfinancing, savings and insurance facilities and cooperative ventures for rural development, as well as the development of micro, small and medium-sized enterprises, and in this regard underlines the importance of the International Year of Microcredit (2005) as a platform to promote these goals;

6. *Recognizes* that, despite serious efforts to achieve progress, important issues in the implementation of the Doha Ministerial Declaration of the World Trade Organization[6] are still outstanding, in particular regarding the commitments for, inter alia, comprehensive negotiations aimed at substantial improvements in market access; that in the agricultural sector, without prejudging the outcome of negotiations, reductions of, with a view to phasing out, all forms of export subsidies, substantial reduction in trade-distorting domestic support and enhanced market access are needed; that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations, taking development needs fully into account, in a manner consistent with the Doha mandate, including food security and rural development; and that non-trade concerns of countries will also be taken into account, as provided for in the Agreement on Agriculture, in accordance with paragraph 13 of the Doha Ministerial Declaration, and urges the United Nations system, including the Food and Agriculture Organization of the United Nations and the United Nations Conference on Trade and Development, to provide further trade-related technical assistance and capacity-building for developing countries, in particular the least developed countries;

7. *Recognizes also* the vulnerability of the commodity-dependent developing countries, in particular the least developed countries, to market fluctuations, and calls on the United Nations system to support their efforts towards diversification of exports and value-added through processing as a means of increasing export earnings, including through support to enable developing countries to put in place measures that are appropriate and necessary for meeting standards consistent with the provisions of the World Trade Organization and improving terms of trade, and to address the impact of the instability of commodity prices;

[6] A/C.2/56/7, annex.

8. *Stresses* the need to enhance and expand access by developing countries to appropriate technologies that are pro-poor and raise productivity, underlines the need for measures to increase investment in agricultural research, including modern technologies, as well as in natural resources management and capacity-building, and encourages the United Nations system to strengthen support for the Consultative Group on International Agricultural Research;

9. *Reaffirms* that sustainable agriculture and rural development are essential to the implementation of an integrated approach to food security and safety in an environmentally sustainable way, recognizes the important role of the rural population in sustainably managing natural resources, and calls for enhanced coordination and cooperation among the agencies of the United Nations system in supporting national efforts to promote environmentally sound and sustainable natural resources management;

10. *Reaffirms also* the need to improve access to reliable, affordable, economically viable, socially acceptable and environmentally sound energy services and resources, taking into account national specificities and circumstances, through various means, such as enhanced rural electrification and decentralized energy systems, increased use of renewables, cleaner liquid and gaseous fuels and enhanced energy efficiency, as well as by intensifying regional and international cooperation and enhancing coordination and cooperation among agencies of the United Nations system, in support of national efforts, including through capacity-building, financial and technological assistance and innovative financing mechanisms, inter alia, at the micro- and meso-levels, recognizing the specific factors for providing access to the poor;

11. *Expresses its serious concern* regarding the severe food shortages and hunger facing millions of people, especially in Africa, recognizes that food security is a global concern and stresses the importance of improving famine prevention mechanisms and long-term food security as well as of responding to emergency food aid needs;

12. *Invites* the United Nations system to further support the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and to address the causes of desertification and land degradation in order to maintain and restore land, as well as addressing poverty resulting from land degradation;

13. *Realizes* that bridging the digital divide will require strong commitment by all stakeholders at the national and international levels, and encourages all efforts by United Nations agencies, funds and programmes to assist developing countries in overcoming the digital divide and promoting the use of information and communication technologies to foster economic and social development, particularly in rural areas;

14. *Recognizes* the devastating impact of HIV/AIDS and other infectious diseases on societies and calls for measures by United Nations bodies, especially the Joint United Nations Programme on HIV/AIDS co-sponsoring agencies, and development partners to further mainstream HIV/AIDS concerns into rural development planning, including poverty eradication and food security strategies and multisectoral development activities covering economic and social aspects, including the gender perspective;

15. *Invites* the relevant United Nations organizations dealing with issues of development to strengthen their cooperation in addressing and supporting the empowerment and the specific needs of rural women in their programmes and strategies;

16. *Stresses* that the United Nations system should improve its coordination in supporting national efforts to increase the school enrolment rate, especially of the girl child, and to provide quality education for the rural poor, inter alia, through mobilizing the necessary financial and technical resources, including the full utilization of modern methodologies and technologies as well as the establishment of distance learning education systems;

17. *Recognizes* the importance of employment for pro-poor growth in rural areas, and encourages the United Nations system and development partners to assist countries, upon their request, in mainstreaming employment into investment policy and poverty reduction strategies, including those focused on rural area development;

18. *Invites* the United Nations system to further assist developing countries in their efforts to enhance access by the rural poor to productive assets, especially land and water, in order to promote social and economic development;

19. *Calls* on the United Nations system to further support capacity-building programmes for, and exchanges of experience on, rural development through enhanced coordination and information exchange mechanisms such as the United Nations System Network on Rural Development and Food Security;

20. *Stresses* that the United Nations system should further support regional and subregional initiatives, where appropriate, in order to promote an integrated approach to rural development, and requests the United Nations regional commissions to further enhance regional and interregional cooperation, in particular for sharing best practices;

21. *Calls* on the United Nations system and regional organizations to undertake measures to further promote South-South cooperation, including triangular cooperation, in the area of rural development, and in this regard underlines the need for increased cooperation among bodies of the United Nations system to promote South-South cooperation;

22. *Notes* the work of the United Nations system on partnerships, welcomes the establishment of a multitude of partnerships for sustainable rural development at the field level entered into by various United Nations agencies, Member States, the private sector, non-governmental organizations and civil society in general, and encourages the United Nations system to continue to promote partnerships at the national and international levels in accordance with relevant General Assembly resolutions.